

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:22-cr-025

Also Case No. 3:23-cv-235

-VS-

ERIC WIGGINS,

District Judge Walter H. Rice

Magistrate Judge Michael R. Merz

Defendant.

:

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz (ECF No. 56), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendation.

Accordingly, it is hereby ORDERED that Defendant's Motion to Vacate under 28 U.S.C. § 2255 (ECF No. 46) be DENIED with prejudice. Defendant is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

Pursuant to Fed.R.Civ.P. 58, the Clerk shall enter judgment to this effect.

April 23, 2024.



Walter H. Rice
United States District Judge